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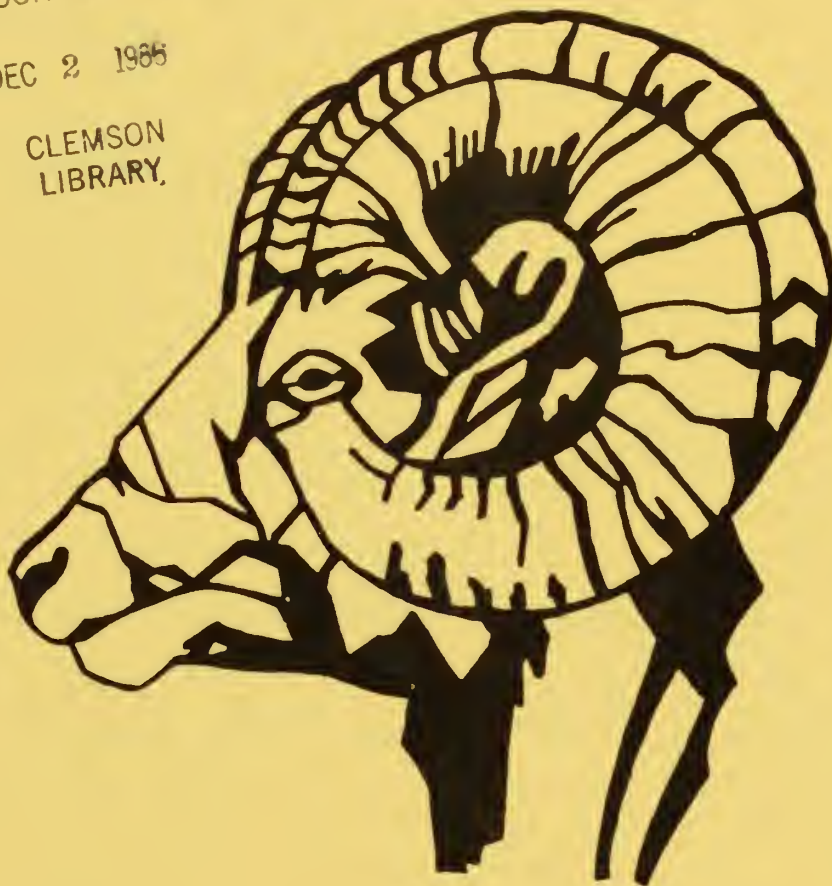
Land Protection Plan

Bighorn Canyon National Recreation Area

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National Park Service

United States Department of the Interior

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8-21-86

Date

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8-27-86

Date

BIGHORN CANYON NATIONAL RECREATION AREA

LAND PROTECTION PLAN

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Land Protection Plan Summary

Bighorn Canyon National Recreation Area

1. Current Ownership

Federal (NPS) Jurisdiction (Fee)	67,594.70
Federal (NPS) Jurisdiction (Less-than-Fee)	889.89
(Bad Pass Road Right-of-Way)	(19.91)
(Ok-A-Beh Road Right-of-Way)	(866.73)
(Horeshoe Bend Waterline Easement)	(3.25)
Federal (NPS) Jurisdiction (Interests acquired—Timber, Impr, Water, Min)	(1,360.00)
Tribal Added Lands (by Memorandum of Agreement)	49,064.36

2. Number of Private Tracts Remaining to Be Protected

Land Surface Fee

Private - 4 Tracts	1,379.49
State of Montana - 2 Tracts (includes 19.91 acres of Bad Pass Road Right-of-Way)	360.00
State of Montana (not to be addressed in this plan—part of Tribal added land)	1,009.33

Mineral Rights Only

Private - 68 Tracts	10,658.74
State of Wyoming - 4 Tracts	1,960.60

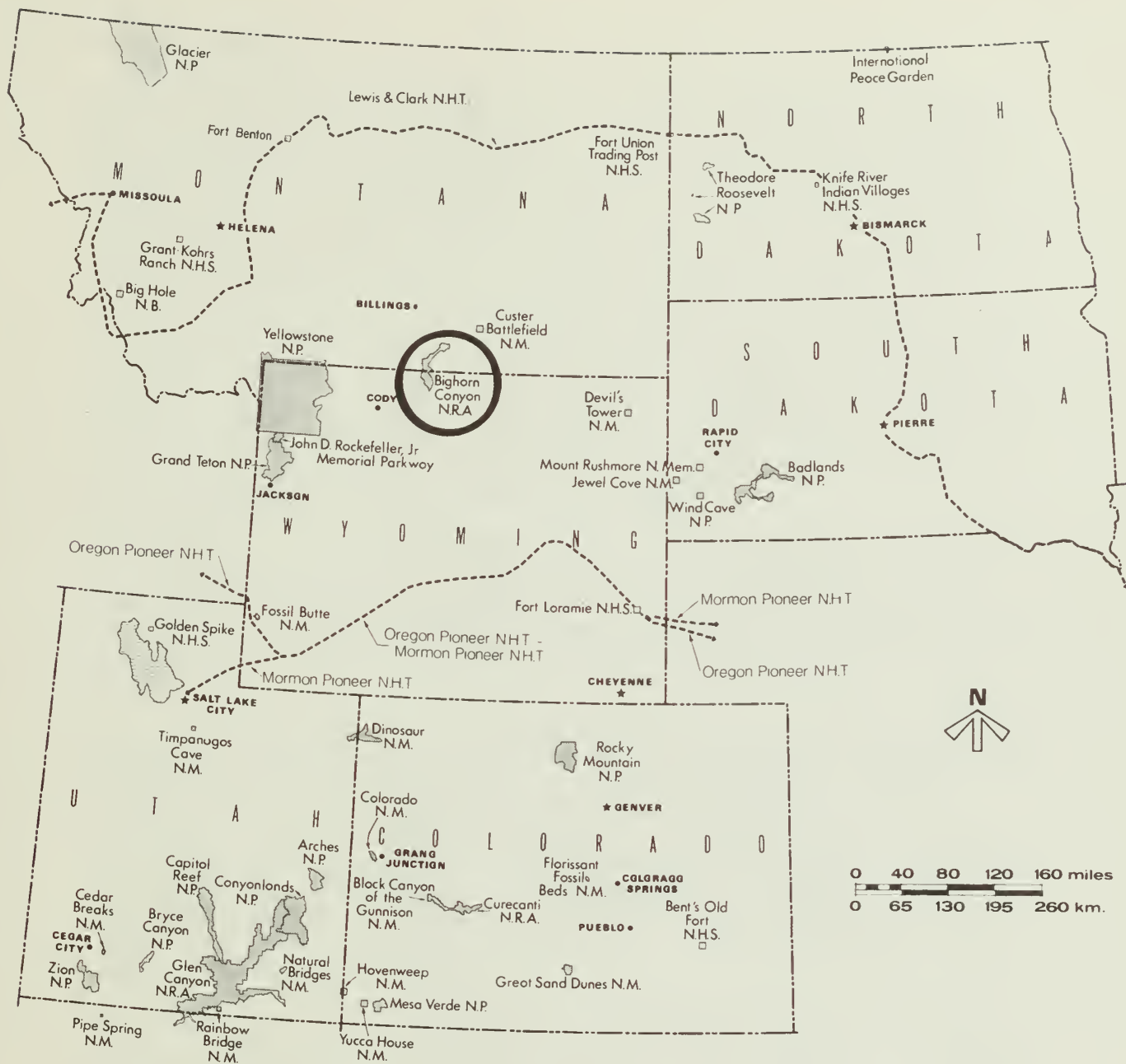
3. Methods of Protection Proposed

	Percent	
	<u>Short Term</u>	<u>Long Term</u>
Fee Acquisition	.01%	55.99%
Mineral Acquisition	Regulation*	100 %
Easement Acquisition	None	44 %
Cooperative Agreement	44%	None
Exchange (State Land)	None	100 %

*where applicable

4. Land Acquisition Funding

The authorized ceiling for Bighorn Canyon NRA is \$780,000.00. The amount appropriated to date (including that authorized by P.L. 95-42) is \$1,311,744.00. There is no unobligated balance.



Legend

- Locations of Major Cities
- * Locations of State Capitals



State Boundary Lines



National Park Service Areas



National Park Service
Historical Trails

ROCKY MOUNTAIN REGION

National Park Service

United States Department
of the Interior

I. INTRODUCTION

In May of 1982, the Department of the Interior published in the Federal Register a new policy statement for the use of the Federal portion of the Land and Water Conservation Fund. This new policy applies to the National Park Service and, among other things, requires that all Land Acquisition Plans be updated and revised to (1) change the name to "Land Protection Plan," (2) more specifically identify the lands which need to be in Federal ownership to achieve management purposes and public objectives, (3) use, to the maximum extent possible, cost effective alternatives to direct Federal purchase and, when acquisition is necessary, acquire only the minimum interest needed to meet management objectives, (4) cooperate with landowners, other Federal agencies, State and local governments and the private sector to manage land for public uses or protect it for resource conservation, and (5) assure that the plans for land acquisition and resource use or protection consider the attendant socio-cultural impacts and that the most outstanding areas are adequately managed.

In response to the new Departmental policy, the National Park Service has withdrawn its 1979 Land Acquisition Policy and on May 11, 1983, published in the Federal Register (Vol. 48, No. 92) "Final Interpretive Rules" for preparation of the new "Land Protection Plans" for each area of the National Park System having non-Federal land within its boundaries.

In view of anticipated limited funding and in view of the congressional mandates to preserve and protect our authorized National Park Service areas, the National Park Service is seeking alternative ways to accomplish its goals. Among these alternatives, which will be discussed in more detail in this plan, are purchase of easements and other less-than-fee interests, exchanges, donations, bargain sales and other tax-benefit oriented sales and cooperative agreements with landowners and private non-profit groups. This Land Protection Plan will be reviewed on a biennial basis and revised as necessary to reflect changing conditions.

This Land Protection Plan should not be interpreted as an offer to purchase land or any interests in land. It will generally serve as a guide in subsequent activities. It is subject to the availability of funds and other constraints and does not diminish the rights of any landowner.

Issues to be addressed in the plan include: Outstanding Mineral Rights, Non-Federal Commercial Facilities, Potential Homes or Cabin Sites, Other Federal Land, Grazing Issues, State Holdings and the Crow Tribal Added lands.

II. PURPOSE AND ADMINISTRATIVE HISTORY

Bighorn Canyon National Recreation Area was established by Public Law 89-664, dated October 15, 1966, " . . . to provide for public outdoor recreation use and enjoyment of the proposed Yellowtail Reservoir and lands adjacent thereto in the States of Wyoming and Montana by the people of the United States and for preservation of the scenic, scientific, and historic features contributing to public enjoyment of such lands and waters . . ." The law also provides for utilizing renewable natural resources and for entering into cooperative agreements with other Federal and State agencies for the joint administration and use of various land and water areas within and adjoining the recreation area. Another provision in the enabling legislation added the authority to change the boundaries of Bighorn Canyon National Recreation Area and to include of Crow Tribal lands.

Specifically, section 2(b) of this Act states the following:

No part of the tribal mountain lands or any other lands of the Crow Tribe of Montana shall be included within the recreation area unless requested by the Council of the Tribe. The Indian areas so included may be developed and administered in accordance with the laws and rules applicable to the recreation area, subject to any limitation specified by the tribal council and approved by the Secretary.

Following the establishing legislation and negotiations between the Crow Tribe and the National Park Service, the Crow Tribal Council passed Resolution 67-59 on May 20, 1967, approving a draft Memorandum of Agreement for the inclusion of 55,947 acres of reservation lands within the exterior boundaries of the recreation area. The draft was sent to Washington, D.C., where it was given further consideration and modification and then signed by Tribal Chairman, Edison Real Bird; Director, George Hartzog, of the National Park Service; and Secretary of the Interior, Stewart Udall, on December 1, 1967. On October 2, 1968, under the authority granted in P.L. 89-664, the Secretary adjusted the boundaries to include these reservation lands by publication of a boundary description in the Federal Register.

On April 10, 1976, the Crow Tribal Council passed Resolution 76-32, which called for withdrawal of all tribal lands formerly included in the recreation area, denial/rejection for the construction of roads across tribal lands, and invalidation of the 1967 Memorandum of Agreement.

On December 5, 1977, the Secretary of the Interior indicated in a letter to the Crow Tribal Council that Interior Department acceptance of Resolution 76-32 would leave an operational void at Bighorn Canyon, and that renegotiation of the 1967 Memorandum of Agreement should occur at the field level. Further, the Secretary responded that until such time as the 1967 memorandum is renegotiated, the original Memorandum of Agreement will be considered legally binding by the Department of the

Interior. Until this issue is resolved, however, the National Park Service has been instructed to place a moratorium on any further development of Crow lands within the recreation area.

For the reasons stated above, Crow Tribal Added Land, with the exception of the Ok-A-Beh road will not be considered in this Land Protection Plan although it will be necessary to make mention of the land as it pertains to the road.

III. SETTING AND RESOURCE SIGNIFICANCE

Bighorn Canyon National Recreation Area is in southeastern Montana and north-central Wyoming (see Vicinity map). It encompasses about 120,000 acres, including the 12,700 acres of Bighorn Lake. The lake is created by the Yellowtail Dam, which was constructed on the Bighorn River in 1965 as a part of the Missouri River Basin Project.

Bighorn Canyon offers a diversified landscape of forest and mountains, upland prairies, deep canyons, broad valleys, and Bighorn Lake. To the north and south lie broad, relatively flat valley bordered by low grassy hills; east and west the land rises to the Bighorn and Pryor Mountains, respectively.

The Bighorn River is the major stream in this region. It flows northward through the Bighorn Basin in Wyoming, entering the Bighorn Canyon north of Lovell, Wyoming. The canyon was formed by a combination of accelerated stream erosion and gradual regional uplift. Much of it is narrow and confined within sheer walls as high as 1,000 feet, interrupted by similarly deep side canyons.

Through time, Bighorn Canyon has hosted several waves of human habitation. The Bighorn Basin has been continuously occupied for over 10,000 years. The earliest occupants of the Bighorn Basin moved throughout the region in response to the changing seasons and resultant variations in available plants and animals. This succession of hunters and gatherers was followed by the Crow Indians who migrated to the area because of pressure from tribes in the East. In the 19th century, trappers, explorers, and traders used the area lightly, as most of their activity was concentrated on the Yellowstone River. Range cattle first arrived in the Bighorn Basin in 1879, setting the stage for permanent settlement represented by ranchers scattered in and close to the recreation area in later years.

The Secretary is authorized to acquire privately owned land within the boundary of Bighorn Canyon NRA in accordance with the provisions of sec. 2, Act of October 15, 1966, 80 Stat. 913, 16 U.S.C. 460t-1(a), as limited by subsection (b). The authorized appropriations for acquisitions, \$335,000, was increased to \$780,000 by the Act of April 11, 1972, sec. 101(3), 86 Stat. 120, 16 U.S.C. 460t-4.

The following is a brief list of planned resource management and visitor use objectives in priority sequence within each category for Bighorn Canyon National Recreation Area. For a more complete listing, please refer to the Statement for Management for Bighorn Canyon, approved February 1984. These management objectives are further realized in Section VII, Evaluation and Recommendations.

A. Natural Resources Conservation

1. To preserve and protect the natural scene on 10,000+ acres of land with outstanding mineral rights, which could be developed for various minerals including oil and gas. Mineral development could cause visual intrusion, water and air pollution and increased traffic with attendant hazards.
2. To reduce cattle grazing in critical areas where excessive use has resulted in changes in plant species composition and contributed to excessive erosion and loss of topsoil.
3. To reduce numerous surface scars which cause visual degradation of otherwise pristine vistas. Examples include old roads, mining location pits and other remnants of prior occupation and land use, other than the Cultural Resources addressed in the following Section III.B.

B. Preservation of Cultural Resources

1. To preserve and protect 32 historic buildings, 2,000 archaeological features and 1,922 acres of historic zone. Stabilization work has been done on 8 structures and salvage investigation on 2 archaeological sites.

C. Visitor Recreation Safety and Protection

1. To eliminate conflicts with the Crow Tribe through continued effort to resolve disagreements concerning the Memorandum of Agreement.
2. To improve water quality in Bighorn Lake through reduction in silt loads and provide for better recreational opportunities by means of synchronized fluctuations in lake water levels to improve the fishery and launching access.

IV. LAND OWNERSHIPS AND USES

Land classification within Bighorn Canyon NRA is complex and deserves clarification for the reader to develop a clear understanding of the problem. Most of the land management complications have developed as a result of various legislation defining conflicting responsibilities, or gray areas where responsibilities are unclear.

Prior to the establishment of Bighorn Canyon NRA in October 1966, the Bureau of Reclamation acquired some 22,425 acres of private, state and Tribal land for the impoundment of water as part of the Yellowtail Dam Project.

Of the 22,425 acres, 19,614.94 acres are presently included within the recreation area boundary. In addition the Bureau acquired 14,617 miscellaneous acres, most of which was withdrawn from Public Domain.

The Bureau of Reclamation manages the Yellowtail Dam and Unit complex in cooperation with the NPS under a Memorandum of Understanding dated December 31, 1964, and a Memorandum of Understanding dated March 9,

1972. The National Park Service is committed to the preservation of the resources for public enjoyment, while the Bureau of Reclamation must maintain certain control of the management for the Yellowtail Project.

The Act of October 15, 1966, 80 Stat. 913 (P.L. 89-664) which established the recreation area, referred to the area "as generally depicted" on a drawing numbered LNPW-010A-BC and provided that the Secretary was to publish a detailed boundary description in the Federal Register. The Act also grants the Secretary the authority to amend the boundaries, subject to the limitation that no Crow Indian lands are to be included unless requested by the tribal council. Since the establishment of the NRA, 3,600.76 acres have been acquired by purchase, 360.82 acres by complaint and 64 acres via declaration of taking. The total area owned in fee by the United States is currently 67,594.70.

The Memorandum of Agreement with the Crow Tribe resulted in an official recreation area boundary change adding 49,064.36 acres within the recreation area.

Outstanding mineral rights on Federal lands and non-Federal lands within the recreation area consist of the following categories of ownership and use:

- A. Outstanding Mineral Rights Group (Wyoming): This group consists of 68 tracts encompassing 10,658.74 acres of mineral rights owned by private individuals and 4 tracts encompassing 1,960.60 acres of mineral rights owned by the State of Wyoming. There are also 13 unpatented mining claims in the NRA. Most of these tracts were private lands acquired by the Bureau of Reclamation under the Joint Resolution P.L. 85-523, July 15, 1958. In these cases this land was purchased with mineral rights reserved to the previous owner. Such mineral rights include all oil, gas and other minerals in said lands except sand, gravel and other common variety minerals and materials to which the Bureau of Reclamation has the first right of use. Open pit mining for sand and gravel is occurring with potential for development of bentonite, oil and gas, glass sand, etc. Special use permits have been used by the NPS in an attempt to alleviate some of the problems which exist when there is uncontrolled sand and gravel removal. These problems include new roads being formed during muddy periods, intrusion upon visitor aesthetics, native vegetation being lost and the terrain not being restored when the extraction is completed. In all cases where applicants have requested permits to mine sand and gravel, the Bureau has relinquished its right of first use determining that the sand and gravel is excess to their needs. Mining activity is affecting wildlife and the noise from machinery has resulted in the loss or possible relocation of a cormorant rookery. There has been some impact on archaeological sites and there is serious concern that mining activity will escalate and have long range negative

environmental effects. In addition to outstanding mineral rights there are five valid unpatented associated placer claims for bentonite in the South District with the claimant being American Colloid Company. These claims have been mined under a Plan of Operations and Environmental Assessment completed in May 1977.

- B. Indian Trust Lands Group (Ok-A-Beh Road Issue, Montana): A parking lot and 3.8 miles of the road to Ok-A-Beh was constructed on Tribal added land. This is the only development which has occurred on the Indian Trust Lands since the Memorandum of Agreement. The Ok-A-Beh road is the only access to Bighorn Lake in the North District of the park and the 3.8 mile section constructed on Tribal land remains a stumbling block to progress in revising the Memorandum of Agreement with the Crow Tribe. The status of the Land on which the 3.8 miles of road was constructed needs to be resolved to enhance progress with revision of the Memorandum of Agreement.
- C. Commercial Facilities Group (Wyoming): Consists of an old nightclub constructed in the late 1960's. For the past 15 years or more the facility has been vacant and is used only for private parties and other special occasions. The building has received little maintenance through the years. It is located inside the recreation area boundary near the South Entrance roadway. The facility and approximately 5 acres is advertised for sale. The location of this building has a negative aesthetic effect, being the first structure a visitor sees upon entering the South Entrance of the recreation area.
- D. Potential Homes or Cabin Sites Group (Wyoming): There are two tracts of land and two property owners involved in this group. Tract 03-113 consists of 732.00 acres and includes the nightclub in the Commercial Facilities Group which is considered separately. Tract 03-110 is 39.99 acres in size and lies south of and contiguous to Tract 03-113. Most of this land is winter grazing land with 30 to 40 head of buffalo also grazing the property and some farming. Tract 03-113 contains in addition to the nightclub, an old cabin approximately 20' x 20' of log construction which is currently vacant. The owners of Tract 03-113 have indicated a willingness to further subdivide the property and have in the past sold 10 acres upon which a boys ranch has been constructed. This 10 acres was purchased by the NPS in December 1980. Continued subdivision of this property could result in undesirable development impacting the general pastoral scene. Further development would impact visitor observation of wildlife, hiking, fishing, and hunting. In addition, this 732.00-acre group isolates 280 acres of recreation area land lying north and west of the subject group, and the 10 acres discussed above.
- E. Grazing Group (Montana): This group comprises two tracts of land involving one property owner. Tract 05-159 is 87.50 acres and Tract 06-101 is 520.00 acres with a stone and log house with a small shed and pole corral. This total 607.50 acre group is used primarily for summer cattle pasture. The group is part of the Dryhead Common Allotment grazing area and is badly overgrazed. Problems encountered include trespass grazing and overgrazing

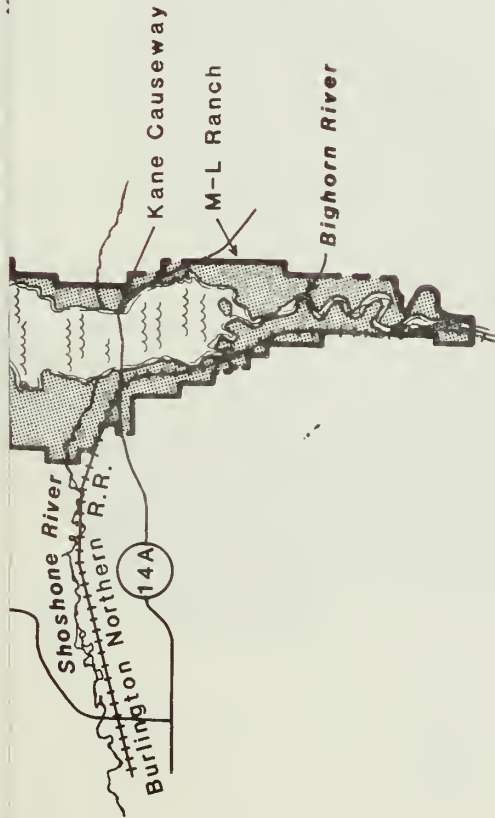
resulting in adverse impact upon native vegetation and accelerating soil erosion. Further discussion of problems and possible solutions are found in the Grazing Management Plan for the Dryhead Allotment. There is some potential for resale of subdivided parcels on these tracts, particularly where scenic views of Bighorn Lake prevail.

- F. State Group (Montana): This group involves Tract 07-101, Carbon County, Montana. The total acreage of this group is 360 acres which includes 19.91 acres (Tract 07-13) which is the right-of-way for the Bad Pass Road. The land is partly leased to one of the four users in the Dryhead Allotment. The State lease expires February 28, 1990. Since the 360 acres is not fenced, the user has been given comparable grazing in the Dryhead Allotment Management Plan, making it difficult to reduce AUM's to a level necessary for range improvement. The State of Montana will be encouraged to consider donation or exchange of this parcel.
- G. Other Federal Group (Montana/Wyoming): The area involves 4 tracts of right-of-way interest totaling 55.06 acres and 22 tracts of fee interest consisting of 19,614.94 acres. The major problem involved in this group is the removal of sand and gravel as discussed in the Outstanding Mineral Rights Group. Every effort is being made to resolve the differences between the two agencies through revision of the Memorandums of Agreement.
- H. Compatible and Incompatible Uses: Compatible uses are those which do not damage the resources that Bighorn Canyon National Recreation Area was established to protect or do not interfere with the recreational opportunities of the public. Uses that impair public recreation, or conservation of scenic, scientific, historic, or other values contributing to public enjoyment are incompatible. Subdivision, with the attendant construction and mineral development are activities in conflict with the purposes of the NRA and are incompatible land uses.

Grazing, in the Potential Homesites Group and Grazing Group, if conducted in accordance with range management practices which do not permanently damage the range, is a part of the traditional scene in the area and is a compatible use. Minor structures necessary for livestock management could also be compatible; the Superintendent should be consulted in advance. Agricultural uses of areas presently used for such purposes are also a part of the traditional scene and are compatible. Uses that provide for public outdoor recreation benefits; for conservation of scenic, scientific, historic, and other values contributing to public enjoyment; and for management, utilization, and disposal of renewable natural resources will be considered compatible with the recreation area. Hunting and fishing are compatible, as provided in the establishing Act of October 15, 1966.



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Landownershhip

Bighorn Canyon National Recreation Area

United States Department of the Interior - National Park Service



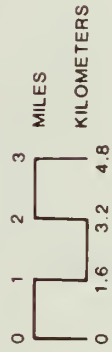
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Landownership

Bighorn Canyon National Recreation Area

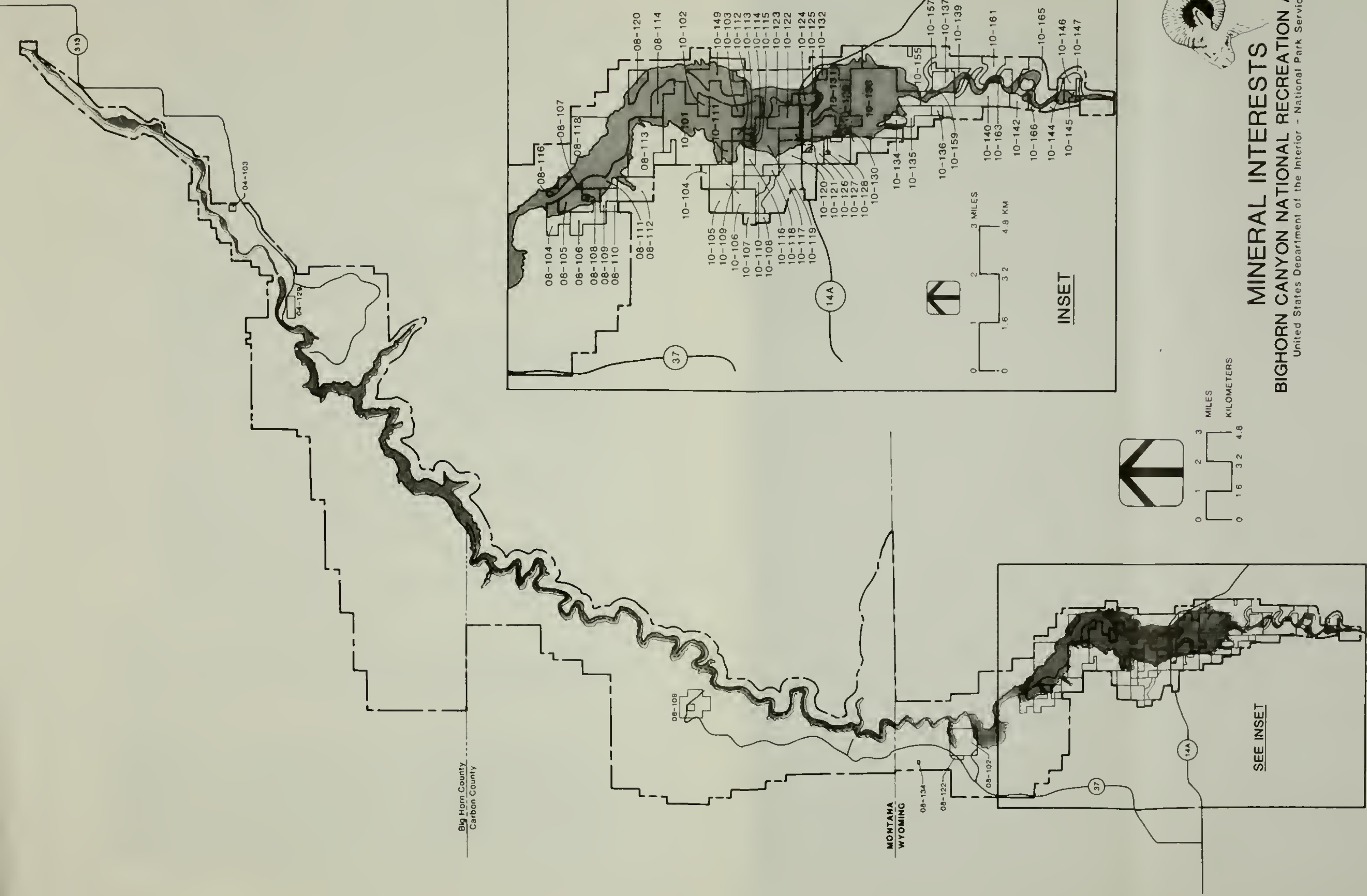
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MINERAL INTERESTS

BIGHORN CANYON NATIONAL RECREATION AREA

United States Department of the Interior - National Park Service



MINERAL INTERESTS BIGHORN CANYON NATIONAL RECREATION AREA

United States Department of the Interior - National Park Service

1. Examples of Compatible uses for Bighorn Canyon NRA

- Normal maintenance and upkeep of grazing and farmland in the potential homesites group and grazing group .
- Maintenance, repair and replacement of utility lines.
- Maintenance, repair and replacement of standard fences in the potential homesites group and grazing group.
- Replacement of existing structures which have been destroyed by fire, windstorm or other casualty, (plans should be submitted to the Superintendent).
- Tilling and planting to crops on those lands currently used for such purposes.
- Grazing livestock, without trespass, keeping with accepted, non-damaging range management practices.

2. Examples of Incompatible Uses for Bighorn Canyon NRA

- Construction of residence, junk yards, buildings or other improvements on undeveloped lands.
- Subdivision or selling of a portion(s) of a tract for development.
- Intensification of use on developed or undeveloped land, including mining, oil or gas well drilling, cutting or removing native vegetation, and installation or occupancy of permanent type house trailers or modular units.
- Any action that produces a clear, documentable increase in damage to natural or cultural resources, wildlife or scenery including topographic changes or disruption of natural drainage patterns, or grazing to a degree that would impact the natural resources of the recreation area.
- Intensification of commercial use on land used for commercial purposes to such a degree that aesthetic, natural, or cultural resource damage would occur.
- Major alteration to existing structures, or significant enlargement of an existing structure.
- Introduction of commercial use on land not previously used for commercial purposes.
- Creation of hazards that endanger park visitors, other members of the public or wildlife.

I. External Conditions and Activities

External pressures may directly affect the future of the recreation area and the Service's ability to protect resources and maintain quality recreation. Conditions which have a bearing on the land are listed below.

Oil spills from fields and pipelines upstream near the Shoshone River have in the past had detrimental effects on water quality, vegetation, wildlife, and likewise affected recreational opportunities in the recreation area. Such conditions have been mitigated through the development of contingency plans with other State and local agencies, including oil companies. The problems associated with oil and gas extraction outside the park boundary emphasize the need to acquire outstanding mineral rights in the

park. Also, there are limited deposits of high quality sand and gravel outside the park within a short haul distance. As such deposits become exhausted, there will be increasing demand to mine sand and gravel in the recreation area.

Clear cutting of forest land, agriculture, overgrazing are all activities which have adverse affects on water quality on Bighorn Lake. Some of these problems originate inside the Recreation Area from agriculture and overgrazing and could be corrected through implementation of this plan. Much of the problem originates miles upstream primarily on the Bighorn River. These activities (including increased dissolved nutrient load from agriculture) cause heavy siltation and algae bloom reducing the opportunity for quality recreation. For most of these problems, land acquisition is not a viable solution. The problem originates too great a distance from the Recreation Area. To mitigate this condition will require continual work with agricultural, ranching and county groups, the Soil Conservation Service and other State and Federal agencies.

Approximately 4,000 head of cattle are driven through the recreation area each spring and fall. Cattle trespass from surrounding ranch lands causes vegetative loss and a hazard to motorists when the cattle stray on recreation area roads. Prolonged trespass could cause vegetative removal to the extent that additional erosion would occur. Acquisition or control of land included in the grazing group and the potential home and cabin site groups would considerably reduce problems associated with trespass cattle. Responsibility for fence and gate maintenance would be clarified.

The Pryor Mountain Wild Horse Range (PMWR) lies partially within and adjacent to the west boundary in Big Horn County, Wyoming, and Carbon County, Montana. Of the 36,600 acres in the horse range 8,218 acres are within the recreation area boundary. The PMWR is managed by the Bureau of Land Management through the Billings, Montana, area office. Acquisition of the potential home and cabin site group would provide additional horse range lands to disperse the horses and reduce impact on the recreation area range.

J. Status of Various Lands Acquired

1. Number of Fee Acres Acquired By All Means:

The total acreage in the Recreation Area excluding Crow Tribal Added Land is 67,594.7 acres. The following is a listing of the lands acquired by various acquisition methods.

--Acquired by Bureau of Reclamation	
Private and Tribal Land -----	19,614.94
Public Domain Land -----	14,617.65
--Acquired by the National Park Service	
Purchase -----	3,600.76
Condemnation -----	360.82
Declaration of Taking -----	64.00
Public Domain Land -----	29,336.53
Total Fee Acres -----	67,594.70

2. Number of Improvements Acquired:

Various lands acquired by the Bureau of Reclamation and the National Park Service contained remnants of old cabins and structures dating back to the early 1900's. Most of these structures have been allowed to deteriorate and are now represented by piles of logs or old shell log structures. Those identifiable and maintained structures are listed below.

- (Mason-Lovell Ranch) - This ranch was acquired by the Bureau of Reclamation. It contains four log structures which have been stabilized by the NPS. The structures are on the National Register of Historic Places.
- (Sorenson Ranch) - This ranch and accompanying land was purchased by the NPS in August 1968. The ranch is on the National Register of Historic Places. The primary buildings on this site consist of an old log schoolhouse, horse barn and ranch house. The ranch house has been stabilized and rehabilitated. Other small structures are located on the ranch but not of historic nature. They include two small storage sheds and a generator house.
- (Lockhart Ranch) - This ranch and accompanying land was purchased by the NPS April 1980. It has been nominated to the National Register of Historic Places and contains 10 identifiable structures most of which are log buildings. Stabilization funds have been expended on five of the structures.
- (Ft. Shiloh Boy's Home) - These structures were purchased by the NPS December 1980. One building has been relocated by the NPS and used as a visitor contact station. The remaining buildings will be sold by the General Services Administration and relocated.
- (NPS River Ranch) - This ranchland and structures were purchased by the NPS November 1976. The 341-acre ranch lies outside the congressional boundary within the boundary established under Memorandum of Agreement with the Crow Tribe of Indians. The establishment consists of a ranch house, barn, and four other miscellaneous structures. The ranch is currently under lease to the previous owner. Disposition of this land and structures will be determined by an NPS Development Concept Plan.

3. Number of Types and Interest Retained by Sellers:

- Right to utilize 117.14 acres as a cattle loading and holding area was retained by one rancher on a Bureau of Reclamation purchase. This area is now administered under Special Use Permit SP1320-3-7008. The permit expires 09/30/90.
- Right to graze 9,815 acres at 1,023 AUM's (Annual Units per Month) by four users has been perpetuated in what is called the Dryhead Common Allotment. A recent Solicitor's opinion is that P.L. 89-664 establishing Bighorn Canyon NRA preempts

this right. Grazing will be allowed to continue at reduced AUM's that will provide for range recovery and reduce encroachment by noxious weeds and other exotic plants. Further discussion can be found in the Grazing Management Plan for the Dryhead Allotment.

—Mineral rights were not acquired on 65 tracts totaling 10,212 acres of private land and 4 tracts encompassing 1,959.60 acres of Wyoming state land.

4. Retained Use and Occupancy of Structures in the Recreation Area:

None

5. Number of Acres Acquired by Withdrawal From the Public Domain:

Bureau of Reclamation	14,617.65
National Park Service	32,216.53
Total	46,834.18

6. Number of Acres Acquired by Purchase:

Bureau of Reclamation	19,614.94
National Park Service	4,025.58
Total	23,640.52

7. Number of Acres Acquired Less-than-Fee:

Road right-of-way	886.73
-------------------	--------

8. Number of Acres Acquired by Donation :

None in fee	
Road right-of-way	19.91
Waterline easement	3.25
Total	23.16

9. Number of Acres Acquired by Exchange:

None

V. SOCIO-ECONOMIC ASSESSMENT

The recreation area covers parts of Big Horn County in Wyoming and Big Horn and Carbon Counties in Montana. Socioeconomically, it is most closely tied with the Wyoming and Montana Big Horn Counties because they provide all of the highway access to the recreation area and contain travel routes, such as I-90 and U.S. 310 which carry large numbers of cross country travelers. Montana Rte. 313 brings visitors from I-90 through the towns of Hardin, St. Xavier, and Fort Smith; U.S. 14A and 310 serve the southern end of the recreation area and route many visitors through the town of Lovell, Wyoming. These communities receive the greatest impact from recreation area visitor travel and provide many of the services, such as food, lodging, and auto services.

1. Big Horn County, Wyoming

Similar to the entire surrounding region, agriculture is the most important basic industry for Big Horn County, Wyoming. Agriculture and agricultural services account for 14 percent of the county's employment and 12 percent of its personal income.

Manufacturing, primarily sugar processing also accounts for a large portion of county employment and income, approximately 10 percent.

Mining, although slightly less important in Big Horn County than elsewhere in the state, supplies nearly 20 percent of the county's personal income. Most of this is from the mining of bentonite to supply drilling mud to the oil and gas exploration industry. This industry locally has been in a serious depression since the early 1980's due to the extremely low drilling activity nationwide and worldwide. With the numbers of active rigs slowly on the increase, the bentonite industry is showing a corresponding revitalization although not approaching the output prior to 1982.

2. Big Horn County, Montana

As in Big Horn County, Wyoming, the principal economic base in Big Horn County, Montana, has been agriculture, involving primarily grazing, irrigated row cropping, and small grain and hay production. Agriculture plays a somewhat smaller relative role than in its sister county in Wyoming. In recent years the role of agriculture has decreased, primarily because of large-scale energy resource development occurring in the county.

Rapidly increasing mining activity is a factor that distinguishes the county most from Big Horn County, Wyoming. Currently, five major coal companies are extracting in excess of 13 million tons of coal annually, and mining is expected to play a major role in future county growth. The effect of this can also be seen in the growth in per capita income and total employment above what occurred in Big Horn County, Wyoming, during the same time period. By 1995, mining is expected to lead to an 88 percent increase in the county's population, resulting in a total of nearly 20,000 people. Growth of this magnitude will likely produce greater demand for recreational services in Bighorn Canyon NRA.

3. Carbon County, Montana

Much of the land in this county is in Federal ownership with about 32,000 acres lying within the recreation area. Red Lodge, Montana, is the County Seat and the largest town with a population of about 2,000. Livestock is the principal source of income with supplemental crops grown chiefly for livestock feed. Tourism is also well represented in the economic base but due to geography and the location of small towns, the recreation area has little economic affect.

4. Impacts

The acquisitions of private lands and mineral interests as recommended in this plan will have no major impact on the individuals involved. No persons reside on any of the lands proposed for acquisition, so no one will be displaced, and none of the lands provide the primary source of income for the owners. Unless donating; the landowners will receive just compensation or land of equal value in return for their property. The effects on the county tax base will be insignificant.

The recommended course of action on the Indian Trust Lands Group is the revision of the 1967 Memorandum of Agreement to the mutual satisfaction of the Crow Tribe and the National Park Service. Ultimately the economic impacts on the Crow Tribe would be favorable. The Tribe enjoys right of first refusal to operate any concession on those lands within the Montana portion of the recreation area and visitation can be expected to increase over time with a resultant increase in tourist generated dollars.

Recommended action on the State Group would cause no socio-economic impact.

Recommended action on the Other Federal Group would have no socio-economic impact as the lands in question are already under Government control and would simply transfer or clarify responsibilities between other agencies.

VI. PROTECTION ALTERNATIVES

The following land protection techniques were examined and evaluated for use in protecting park values and in meeting management objectives.

- A. No Action - Wherever listed throughout this plan, it should be understood that this alternative simply means current management practices will continue. Private ownership and stewardship of a particular tract will continue and the National Park Service will not initiate any unilateral attempt to acquire any interest in the property as long as there is no change to an adverse use. During any "No Action" period, however, the Service will be monitoring all areas regularly to identify any changes in protection needs. Voluntary commitments or agreements to provide advance notice to the Park of any need or intent to sell, subdivide or build will be actively solicited from landowners willing to cooperate, up to and

including rights of first refusal to purchase. In addition, personal conferences will be encouraged with all landowners to discuss future plans and needs, particularly with those owners of undeveloped tracts having the most critical resource values.

- B. Fee Acquisition - This method involves acquisition of all the rights in a property, title is conveyed to the Federal Government and the property is removed from the tax rolls. Acquisition is dependent on the availability of appropriated funds (or the infrequent availability of donated funds). Protection of NRA values is provided as is full public use and access where needed.
- C. Leaseback or Sellback - This protection option involves purchase of the land in fee. The land would then either be leased for specific, compatible uses or sold subject to deed restrictions which limit the uses to those considered compatible. This option is of course limited to areas in which some use is compatible and the land is not required for public use or access.
- D. Easements (Partial Acquisition) - An easement is a legally enforceable interest in real estate created by the transfer of certain rights. Easements can be negative in character such as those used to restrict development or control other activities which may be incompatible with park values, such as overgrazing. Easements can also be positive, such as those used to acquire trail easements for public use over private lands. Easements allow the property to remain in private ownership and on the tax rolls, subject to the terms of the easement. This method could provide the necessary resource protection in certain circumstances where some continued use is compatible with both short and long term objectives.

Fee or Easement acquisition can be accomplished by any of the following methods:

- 1. Donations & Tax Incentives - This method can involve either an outright donation of the property or a sale to the government at less than the market value, with the donor taking advantage of the tax benefit. This method would meet management goals but would be limited to those landowners who have strong conservation interests or who could take advantage of the available tax benefits. The donation of an easement interest as in item D above can also provide tax advantages if the terms of the easement meet Internal Revenue Service standards.
- 2. Exchanges - This method involves the exchange of non-Federal land within the recreation area for other parcels of Federal land of equal value outside the recreation area but within the same state. Land values can be equalized by payment of cash by either party to the exchange. The difficulty with this method is finding land that is both available for exchange and suitable to the landowner. The National Park Service has no lands available for exchange, so all exchanges have to involve three parties, the NPS, the landowner and the Bureau of Land Management.

3. Direct Purchase - This is the most common method of acquisition used in the past and is dependent upon the availability of appropriated funds (or the infrequent availability of donated funds).
4. Condemnation - The acquisition program will proceed on an opportunity basis; land will not be acquired without the owner's consent unless no other method is adequate to prevent damage to the NRA resource. The authority to use the power of eminent domain (condemnation) is provided in the Act of August 1, 1888 (25 Stat. 357) as amended, 42 U.S.C., Sec. 257. Where land is to be acquired, every effort will be made to reach a negotiated agreement; however, condemnation can be used to acquire either a fee or less-than-fee interest in a property. This plan would contemplate use of condemnation only in cases of an emergency adverse threat to park resources or to resolve title problems. In all condemnation cases the court makes the final judgement as to the amount of compensation to be paid for the interest being acquired.
- E. Leases & Special Permits - A lease or special permit would convey certain rights to the Government for a specified period. The land would remain in private ownership and remain on the tax rolls. This method could provide necessary resource protection in certain circumstances, usually short term. This method could be used to buy time to procure acquisition monies for later purchase in fee. This method should not be considered a long term or permanent solution to a problem. At the termination of the lease or permit the original problem will no doubt still exist.
- F. Cooperative Management Agreements - These are agreements between the landowner and the United States wherein both parties agree to take certain actions regarding the property. This alternative involves no substantial expenditure of Federal monies and leaves the property on the county tax rolls. Disadvantages are that a cooperative agreement is only with the current owner of the property and that they are cancellable by either party. At Bighorn Canyon NRA agreements could address grazing and range management practices by the owner and resource management or interpretation by NPS. Agreements also could provide for notice to NPS before undertaking a change in use. Agreements may provide some interim protection but cannot assure long-term protection.
- G. Zoning - This classification includes subdivision and regulations and other form of state and county ordinances to regulate and control land uses. Since no such regulations are in use, either at the state or county level in the Bighorn Canyon area, and none are contemplated, this is not a viable alternative.
- H. Air & Water Pollution Controls - This method would utilize pollution laws of the Federal or State Government already in place to prevent or halt activity detrimental to park values. This method generally entails considerable scientific monitoring and compilation of data for support.
- I. Federal Regulations - Since non-Federal oil and gas rights are present, should they be proposed for development, NPS non-Federal oil and gas regulations at 36 CFR 9B would govern the exercise of

these rights if access is on, across, or through lands and water administered by NPS. Additionally, should there be proposed activity on any unpatented mining claims, regulations at 36 CFR 9A would apply. The NPS presently has no regulations for non-Federal minerals other than oil and gas; hence, no regulations exist by which the NPS can manage the extraction of sand and gravel.

VII. EVALUATION AND RECOMMENDATIONS - BY GROUPS OF SIMILAR PROPERTIES IN ORDER OF PRIORITY

- A. Mineral Rights Group - This group consists of 68 tracts totaling 10,658.74 acres of mineral rights owned by private individuals and 4 tracts encompassing 1,959.60 acres owned by the State of Wyoming. All deeds by which the Bureau of Reclamation acquired lands include a statement that the Bureau has first right of refusal to all sand and gravel for use in construction of the Yellowtail Unit with all other minerals including gas and oil reserved unto the grantors.

As stated earlier, the Bureau of Reclamation manages the Yellowtail Unit complex in cooperation with the NPS under a Memorandum of Agreement dated December 31, 1964, and also a Memorandum of Agreement dated March 9, 1972. Both agencies cooperate together on achieving project purposes in issuing permits for private sector development of sand and gravel resources. Issuance of the permits sometimes leads to other surface problems, including new roads being formed during muddy periods, intrusion upon visitor aesthetics, loss of native vegetation, encroachment of noxious weeds and altered, uneven terrain. There are usually ecological impacts resulting from this activity. Frequently exploration and development of mineral interests under "reasonable" use of the surface can result in total degradation of whatever land use objectives may be most beneficial to the public interests. Outstanding oil and gas rights are presently not being exercised; but in the future, the mineral owners could sell their interest to oil and gas companies and others for development. Five unpatented placer claims for bentonite exist although their location is in terrain void of vegetation where little environmental damage can occur.

Recommendation:

Pursue acquisition of all outstanding mineral rights, including mining claims, by donation, exchange, or purchase or pursue subordination agreements where applicable. Acquisition should be pursued as opportunities arise and apply CFR 36 9A and 9B wherever possible in the interim to minimize environmental impacts. Immediate concerns should be where mineral extraction is imminent if mitigating measures cannot be applied.

Although acquisition is a number one priority in the area, acquisition will be pursued over a long period of time, with immediate circumstances taking priority. Immediate concerns would be mineral development where the Federal regulations could not prevent nor adequately mitigate adverse impacts.

Sand and gravel removal will be allowed to continue on a short term basis with the issuance of special use permits to assist in controlling detrimental affects. The NPS will continue to coordinate with the Bureau of Reclamation on issuing the permits and reviewing the need for a new Memorandum of Agreement.

- B. Indian Trust Lands Group - Based on provisions of a 1967 Memorandum of Agreement with the Crow Tribe, portions of the Ok-A-Beh road (3.8 miles) was constructed on tribal trust lands along with other developments in the vicinity of the Ok-A-Beh boat launching area. In 1976, the Crow Tribe passed their Resolution No. 76-32 rescinding the Memorandum of Agreement. Subsequently, some tribal members have expressed their opinion that the National Park Service no longer has a legal right-of-way for the portion of the road that crosses tribal trust lands. However, the Crow tribe has never formally challenged the NPS in this regard.

Recommendation:

Continue to negotiate and cooperate with the Crow Tribe to ultimately define the status and use of tribal lands for the NRA.

- C. Commercial Facilities Group - This 5 acre lot and nightclub is part of the Potential House or Cabin Site Group but is considered separately since the facility is commercial in nature. This nightclub structure has received little maintenance and is beginning to show signs of deterioration. It is located near the South Entrance to the recreation area and is the first manmade structure (other than the entrance sign) that the visitor sees after entering the Recreation Area. The structure has an immediate negative effect on general aesthetics following the entrance to the recreation area.

Recommendation:

Fee acquisition is recommended to allow the NPS to remove the building and return the land to its natural state. This area would then be used as an open range management area for wild horse pasture along with the 772 acres discussed in part D.

- D. Potential Homes or Cabin Sites Group - This group involves two owners and two tracts of land totaling 771.99 acres. The holdings also block access to 280 acres of recreation area land on the boundary. While the present use as grazing land has only a negligible effect on park resources, one owner has indicated an interest to subdivide his land and did sell 10 acres for the development for a boys home. This development and the 10 acres were purchased by the NPS in December 1980. Since there are no state or county subdivision regulations applicable to these lands, the number of units per acre would be limited only by market conditions if an owner decided to subdivide. Any form of development not pertinent to a ranching operation would be incompatible with scenic and historic values now enjoyed by the public. Development would also create problems of additional roads

and vehicular use, erosion and considerably reduce the opportunity to observe and enjoy wildlife. Public use of this area would be for management for wild horse herds.

Recommendation:

Fee acquisition, with leaseback for controlled grazing is recommended to preclude development and subdivision and also provide expansion of the wild horse range to reduce existing impacts. Neither easements nor purchase and sellback with use restrictions would assure compatible management of the land.

- E. Grazing Group - This group consists of one property owner and two tracts of land involving 607.50 acres. The property also contains a stone and log house, small shed and pole corral. Problems encountered in this group involve the trespass of cattle onto NPS lands. The adverse effects of livestock overuse of both Federal and non-Federal lands include loss of vegetation, soil erosion, water pollution and wildlife disturbance. Further discussion of this issue can be found in the Resource Management Plan. There is a possibility of conversion to development and subdivision as a result of increased taxes and future economic growth on some of these lands.

Recommendation:

Most of this land has been severely overgrazed. Careful restoration of good range conditions and grazing at substantially lower intensity would be compatible with NRA purposes. Fee is needed to allow the NPS to restore the vegetation and curb further invasion of exotic plants and noxious weeds, soil erosion and water pollution. The land could then be leased for grazing after several years. Easements or sellback with restrictions to limit grazing would require constant monitoring for enforcement and are not considered suitable here.

- F. State Group - This group comprises two tracts of land totalling 360 acres in Carbon County, Montana, and is not presently being utilized. However, the State is mandated by its own law to maximize income from these lands and may sell or lease it for development in the future. The NPS, through donation, has acquired a 19.91 acre road right-of-way through the land. P.L. 89-664 establishing Bighorn Canyon NRA requires that any state land must be acquired only by donation or exchange. This will continue to be pursued.
- G. Other Federal Group - This group involves 19,614.94 acres of private and Tribal land purchased by the Bureau of Reclamation as part of the Yellowtail Reservoir. Also involved are 4 tracts of right-of-way interest totalling 55.06 acres. This group includes the 65 tracts identified in the Outstanding Mineral Rights Group (VII.A.). All of the lands in this group are under administrative control of the Bureau of Reclamation. There has been no transfer of administration to the NPS even though it is included within the

boundary of the Recreation Area. The major concern in this group is the removal of sand and gravel as discussed in the Outstanding Mineral Rights Group. Differences between the two agencies will be resolved through clarification and revision of the Memorandums of Agreement.

Group Priority

The rationale for establishing priorities was derived from consideration of the following factors: The severity of impacts to the resource, the likelihood of development, the complexity of managing intermingled Federal and non-Federal lands and the scenic impacts on the area. In addition, the groups divide naturally into two distinct categories; the Indian Trust Lands and Other Federal Groups, for which actual acquisition per se will not be involved, protection being more of an administrative matter, in one category and all the remaining groups in the other. Thus, the listing of the Indian Trust Lands and the Other Federal Lands in a separate category by no means relegates them to any lesser priority; efforts to resolve the issues with these two groups will continue contemporaneously with acquisitions in the other groups.

The priorities are then:

ACQUISITION

1. Outstanding Mineral Rights Group
2. Commercial Facilities Group
3. Potential Home/Cabin Site Groups
4. Grazing Group
5. State Group

ADMINISTRATIVE

1. Indian Trust Lands Group
2. Other Federal Groups

While acquisition of the outstanding sub-surface interests is given first priority due to the potential for resource damage, the priorities are considered flexible to allow the Park Service and landowners to meet changing conditions.

For all groups, the priority in dealing with the landowners would be:

1. Work with landowners to establish understanding on issues and strive toward establishing agreements to protect resource values. This assumes that no emergency or hardship situations exist.
2. Emergency situations where action by the recreation area are necessary because an incompatible use has been initiated which, if carried out, will have a permanent and irreversible adverse effect on park resources.
3. Hardship cases.
4. Opportunity purchases from voluntary sellers when no emergency or hardship exists.

TRACT LIST

Tracts are listed numerically in priority groups. Tracts within a priority group are considered of equal priority.

Mineral Rights Group. Priority 1

<u>TRACT</u>	<u>OWNER</u>	<u>ACRES</u>	<u>INTEREST TO BE ACQUIRED</u>
04-103	Bull Chief, M.	40.00	Min.
04-129	Smart Enemy, F.	120.00	Min.
06-109	Aldrich, L.	480.00	Min.
08-105	Ahny, A.	167.00	Min.
08-106	Lowe, 'G.	240.00	Min.
08-107	Hoffman, G.	10.00	Min.
08-108	Robinson, H.	10.00	Min.
08-109	Gill, A.	80.00	Min.
08-110	Ahny, A.	40.00	Min.
08-111	Chilcott, F.	188.30	Min.
08-112	Lowe, G.	240.00	Min.
08-113	Burnham, A.	532.60	Min.
08-114	Frame, E.	133.00	Min.
08-116	Perkins, R.	63.92	Min.
08-118	Unknown	399.80	Min.
08-120	Kuchler, W.	155.74	Min.
08-122	Tillett, B.	36.86	Min.
08-134	Tillett, B.	10.00	Min.
10-101	Burnham, A.	1,437.80	Min.
10-102	Schatz, C.	73.58	Min.
10-103	Scheeler, G.	37.70	Min.
10-104	Rodrigues, E.	80.00	Min.
10-105	Stahl, R.	160.00	Min.
10-106	Chilcott, F.	320.00	Min.
10-107	Adams, T.	40.00	Min.
10-108	Gams, P.	43.20	Min.
10-109	Brown, M.	40.00	Min.
10-110	Tilley, L.	105.60	Min.
10-111	Scheeler, G.	80.00	Min.
10-112	Beal, M.	40.00	Min.
10-113	Basset, J.	20.00	Min.
10-114	Tilley, L.	20.00	Min.
10-115	Basset, J.	20.00	Min.
10-116	Jones, M.	60.00	Min.
10-117	Scheeler, G.	340.00	Min.
10-118	Brown, M.	60.00	Min.
10-119	Gams, P.	330.60	Min.
10-120	Brosions, A.	160.00	Min.
10-121	Howe, N.	120.00	Min.
10-122	Nobel, J.	200.00	Min.
10-123	Burnham, A.	45.90	Min.
10-124	Lewis, C.	82.70	Min.
10-125	Brosions, A.	120.00	Min.
10-126	Robertson, S.	120.00	Min.
10-127	Huchler,	18.40	Min.
10-128	Nobel, J.	183.70	Min.

10-131	May, A.	685.10	Min.
10-132	Bischoff, H.	41.44	Min.
10-134	Ellis, G.	70.70	Min.
10-135	Snell, C.	121.20	Min.
10-136	Ellis, G.	40.00	Min.
10-139	Burnham, A.	85.40	Min.
10-140	Ellis, G.	396.70	Min.
10-142	Adams, S.	76.20	Min.
10-144	Dean, M.	101.00	Min.
10-145	Burnham, A.	40.38	Min.
10-146	Bischoff, H.	64.30	Min.
10-147	Bischoff, H.	82.70	Min.
10-149	Bischoff, A.	381.01	Min.
10-155	Bischoff, H.	687.87	Min.
10-157	Bischoff, H.	37.83	Min.
10-159	Bischoff, H.	0.86	Min.
10-161	Bischoff, H.	131.65	Min.
10-163	Bischoff, H.	10.48	Min.
10-165	Bischoff, H.	268.72	Min.
10-166	Bischoff, H.	20.00	Min.

TOTALS

68		10,658.74	
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08-102	State of Wyoming	640.00	Min.
08-104	State of Wyoming	151.50	Min.
10-133	State of Wyoming	900.00	Min.
10-137	State of Wyoming	269.10	Min.

TOTALS

4		1,960.60	
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Commercial Lands, Priority 2

<u>TRACT</u>	<u>OWNER</u>	<u>ACRES</u>	<u>INTEREST TO BE ACQUIRED</u>
P/O			
03-113	Tillett	5.00	Fee
TOTALS			
1		5.00	

Potential Homesite Group, Priority 3

<u>TRACT</u>	<u>OWNER</u>	<u>ACRES</u>	<u>INTEREST TO BE ACQUIRED</u>
03-110	Lewis Est.	39.99	Fee
03-113	Tillett	727.00	Fee
TOTALS			
2		766.99	

Grazing Lands Group, Priority 4

<u>TRACT</u>	<u>OWNER</u>	<u>ACRES</u>	<u>INTEREST TO BE ACQUIRED</u>
05-159	Tillett, B.	87.50	Fee
06-101	Tillett, B.	520.00	Fee
	TOTALS		
2		607.50	

State Lands, Priority 5

<u>TRACT</u>	<u>OWNER</u>	<u>ACRES</u>	<u>INTEREST TO BE ACQUIRED</u>
07-101	State of Montana	360.00	Fee
	TOTALS		
1		360.00	

ADMINISTRATIVE

Indian Trust Lands, Priority 1

1 Parcel, 3.8 miles of road, crosses Tract 04-171

Other Federal Lands, Priority 2

<u>TRACT</u>	<u>OWNER</u>	<u>ACRES</u>	<u>INTEREST TO BE ACQUIRED</u>
Many	Bureau of Reclamation	19,614.94	Fee
4	Bureau of Reclamation	55.06	ROW

NEPA COMPLIANCE

The actions outlined in this plan will have no or minimal impact upon the environment. The plan is therefore categorically excluded from the NEPA process under 516 D.M. 6 Appendix 7.4B (11) and 7.4C(1) and (2).

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U.S.D.I. National Park Service, Natural Resources Management Plan and Environmental Assessment - Bighorn Canyon National Recreation Area, 1983

U.S.D.I. National Park Service, Grazing Management Plan for The Dryhead Allotment - Bighorn Canyon National Recreation Area, 1985

4. Bighorn Canyon

An Act to provide for the establishment of the Bighorn Canyon National Recreation Area, and for other purposes. (80 Stat. 913)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to provide for public outdoor recreation use and enjoyment of the proposed Yellowtail Reservoir and lands adjacent thereto in the States of Wyoming and Montana by the people of the United States and for preservation of the scenic, scientific, and historic features contributing to public enjoyment of such lands and waters, there is hereby established the Bighorn Canyon National Recreation Area to comprise the area generally depicted on the drawing entitled "Proposed Bighorn Canyon National Recreation Area", LNP MW-010A-BC, November 1964, which is on file in the Office of the National Park Service, Department of the Interior.

(b) As soon as practicable after approval of this Act, the Secretary of the Interior shall publish in the Federal Register a detailed description of the boundaries of the area which shall encompass, to the extent practicable, the lands and waters shown on the drawing referred to in subsection (a) of this section. The Secretary may subsequently make adjustments in the boundary of the area, subject to the provisions of subsection 2(b) of this Act, by publication of an amended description in the Federal Register.

SEC. 2. (a) The Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, exchange, or otherwise, lands and interests in lands within the boundaries of the area. The Secretary is further authorized to acquire, by any of the above methods, not to exceed ten acres of land or interests therein outside of the boundaries of the area in the vicinity of Lovell, Wyoming, for development and use, pursuant to such special regulations as he may promulgate, as a visitor contact station and administrative site. In the exercise of his exchange authority the Secretary may accept title to any non-Federal property within the area and convey in exchange therefor any federally owned property under his jurisdiction in the States of Montana and Wyoming which he classifies as suitable for exchange or other disposal, notwithstanding any other provision of law. Property so exchanged shall be approximately equal in fair market value: *Provided*, That the Secretary may accept cash from, or pay cash to, the grantor in such an exchange in order to equalize the values of the properties exchanged. Any property or interest therein owned by the State of Montana or the State of Wyoming or

any political subdivision thereof within the recreation area may be acquired only by donation or exchange.

(b) No part of the tribal mountain lands or any other lands of the Crow Indian Tribe of Montana shall be included within the recreation area unless requested by the council of the tribe. The Indian lands so included may be developed and administered in accordance with the laws and rules applicable to the recreation area, subject to any limitation specified by the tribal council and approved by the Secretary.

(c) (1) Notwithstanding any other provisions of this Act or of any other law, the Crow Indian Tribe shall be permitted to develop and operate water-based recreational facilities, including landing ramps, boathouses, and fishing facilities, along that part of the shoreline of Yellowtail Reservoir which is adjacent to lands comprising the Crow Indian Reservation. Any such part so developed shall be administered in accordance with the laws and rules applicable to the recreation area, subject to any limitations specified by the tribal council and approved by the Secretary. Any revenues resulting from the operation of such facilities may be retained by the Crow Indian Tribe.

(2) As used in this subsection, the term "shoreline" means that land which borders both Yellowtail Reservoir and the exterior boundary of the Crow Indian Reservation, together with that part of the reservoir necessary to the development of the facilities referred to in this subsection.

SEC. 3. (a) The Secretary shall coordinate administration of the recreation area with the other purposes of the Yellowtail Reservoir project so that it will in his judgment best provide (1) for public outdoor recreation benefits, (2) for conservation of scenic, scientific, historic, and other values contributing to public enjoyment and (3) for management, utilization, and disposal of renewable natural resources in a manner that promotes, or is compatible with, and does not significantly impair, public recreation and conservation of scenic, scientific, historic, or other values contributing to public enjoyment.

(b) In the administration of the area for the purposes of this Act, the Secretary may utilize such statutory authorities relating to areas administered and supervised by the Secretary through the National Park Service and such statutory authorities otherwise available to him for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

SEC. 4. The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the recreation area in accordance with the appropriate laws of the United States and of the States of Montana or

Wyoming to the extent applicable, except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment, and except that nothing in this section shall impair the rights under other law of the Crow Tribe and its members to hunt and fish on lands of the Crow Tribe that are included in the recreation area, or the rights of the members of the Crow Tribe to hunt and fish under section 2(d) of the Act of July 15, 1958. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the Montana Fish and Game Department or the Wyoming Game and Fish Commission.

SEC. 5. There is hereby authorized to be appropriated not more than \$355,000 for the acquisition of land and interests in land pursuant to this Act.

Approved October 15, 1966.

Legislative History

House Report No. 1819 accompanying H.R. 2778 (Committee on Interior and Insular Affairs).

Senate Report No. 64 (Committee on Interior and Insular Affairs).
Congressional Record:

Vol. 111 (1965): Feb. 10, considered and passed Senate.

Vol. 112 (1966):

Sept. 19, considered and passed House, amended, in lieu of H.R. 2778.

Oct. 3, Senate concurred in House amendment with an amendment; House concurred in Senate amendment.

8. National Park System Omnibus

An Act to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, and for other purposes. (86 Stat. 120)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—ACQUISITION CEILING INCREASES

SEC. 101. The limitation on appropriations for the acquisition of lands and interests therein within units of the national park system contained in the following Acts are amended as follows:

(1) Assateague Island National Seashore, Maryland: section 11 of the Act of September 21, 1965 (79 Stat. 824, 827) is amended by changing "\$16,250,000" to "\$21,050,000 (including such sums, together with interest, as may be necessary to satisfy final judgments rendered against the United States)";

(2) Big Hole National Battlefield, Montana: section 5 of the Act of May 17, 1963 (77 Stat. 18), is amended by changing "\$20,000" to "\$42,500";

(3) Bighorn Canyon National Recreation Area, Wyoming and Montana: section 5 of the Act of October 15, 1966 (80 Stat. 913) is amended by changing "\$355,000" to "\$780,000";

(4) Effigy Mounds National Monument, Iowa: section 5 of the Act of May 27, 1961 (75 Stat. 88), is amended by changing "\$2,000" to "\$14,000";

(5) Fort Donelson National Military Park, Tennessee: section 3 of the Act of September 8, 1960 (74 Stat. 875), is amended by changing "\$226,000" to "\$454,000";

(6) Lincoln Boyhood National Memorial, Indiana: section 4 of the Act of February 19, 1962 (76 Stat. 9), is amended by changing "\$1,000,000" to "\$1,320,000" and "\$75,000" to "\$395,000";

(7) Ozark National Scenic Riverways, Missouri: section 8 of the Act of August 27, 1964 (78 Stat. 608), is amended by changing "\$7,000,000" to "\$10,804,000"; and

(8) Shiloh National Military Park, Tennessee: section 1 of the Act of July 3, 1926 (44 Stat. 826), is amended by changing "\$57,100" to "\$150,000".

RECORD OF RESPONSE TO PUBLIC COMMENTS

REGARDING LAND PROTECTION

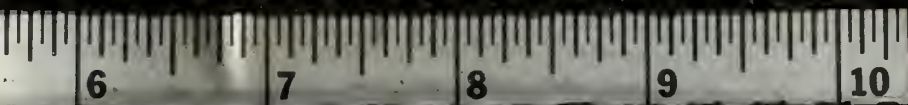
BIGHORN CANYON
NATIONAL RECREATION AREA

The Land Protection Plan for Bighorn National Recreation Area is a document prepared to identify non-federal land or interests in land within the authorized boundary and to set forth priorities for protection and management of those lands or interests therein. Preparation of the plan is in response to the Department of the Interior's policy for the federal portion of the Land and Water Conservation Fund (47 FR 19784). The public was invited to comment on the plan. Comments were received only from the Bureau of Indian Affairs and the State of Wyoming.

Comments received were supportive of the plan. All comments were reviewed and considered. Only one minor change was made before this final plan was approved and printed:

Sec. III.A.3. The words "other than the Cultural Resources addressed in the following Section III.B." were added to avoid an apparent contradiction.

Other comments received necessitated no changes to the plan, or were on matters which are more properly addressed in a General Management Plan or pertained to matters over which the National Park Service does not have control.



Simulation of the CIE color space chart from GretagMacbeth



